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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,855

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112701-685

2135

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07/09/2009

EXAMINER

BYRD, LATRICE CHENELL

ART UNIT

PAPER NUMBER

3782

NOTIFICATION DATE

DELIVERY MODE

07/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/556,855	Applicant(s) QUADRELLI, SANDRO	
	Examiner LATRICE BYRD	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-31, 36, 37, 44-52, 63-71, 74, 75, 80-82 and 86-95 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-31, 36, 37, 44-52, 63-71, 74, 75, 80-82 and 86-95 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/29/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second wall forming a "V" shape of claim 80 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 is dependent on claim 11. For the purpose of examination, it is assumed that the intended dependency of claim 11 is claim 1. However, correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12, 27-32, 36-37, 50, 64-66, 69, 74, 81, 86-90 and 91-95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In re claim 12, it is made unclear how many outer walls form an obtuse angle. It is assumed the claim should either state "at least one outer wall" or "outer walls" form an obtuse angle.

6. In re claims 27-32, 50, 64-66, 69, 74, 81, 86, 89 and 91-95, there is insufficient antecedent basis for the limitations in the claim.

Claims 27-32 recite "the lid"

Claim 50 recites "the front outer wall"

Claim 64 recites "the side walls"

Claim 65 recites “the rear side walls”

Claim 66 recites “the transversal panel”

Claim 69 recites “the transversal stiffening and/or covering wall”

Claim 74 recites “the front wall”

Claim 81 recites “the lid engagement means”

Claim 86 recites “the outer walls,” “the lid upper wall,” “the lid outer wall,” “the side panels,” “the side edges,” “the lid upper panel,” “the upper panel,” and “the outer wall.” The term “walls” and “panels” are being used interchangeably. Also, there are several terms used to describe the “lid.”

Claim 89 recites “the rear panel”

Claims 91 and 93 recite “the outer panel”

Claim 92 recites “the lid front side walls”

Claim 94 recites “the transversal stiffening wall,” “the front side walls” and “the rear side walls”

Claim 95 recites “the stiffening panel”

Necessary adjustments may need to be made to claim dependency as well as limitations.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-13, 16-32, 36-37, 63-70, 74-75, 81-82, 86-88 and 90-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Swan (USPN 4,205,775).

9. In re claim 1, Swan discloses a container for holding a product, comprising a retaining body (100) and comprising side product retaining means (102) and at least one outlet opening (108) through which the product comes out; the container body having is a tubular shape with a polygonal base (104); and closing means (152) for closing the product outlet opening, the closing means extending from the container body and being connected to it.

10. In re claim 2, Swan discloses a container wherein the container body has a polygonal base.

11. In re claim 3, Swan discloses a container wherein the container body has a hexagonal base.

12. In re claim 4, Swan discloses a container wherein the container body has a polygonal base with regular sides (116).

13. In re claim 5-11, Swan discloses a container wherein the container body comprises a front wall (106c), a rear wall (106f), a pair of front side walls (106a,106e) extending from the sides of the front wall, a pair of rear side walls (106b,106d) extending from the sides of the rear wall and joined to the front side walls.

14. In re claim 12, Swan discloses a container comprising at least one outer wall forms an obtuse angle with an adjacent outer wall.

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15. In re claim 13, Swan discloses a container comprising a base wall (114) for retaining the product in the container.

16. In re claims 16-18, Swan discloses a container wherein the closing means comprises a closing wall (180) which extends transversally from a rear wall (106c) is flat.

17. In re claims 19-20, Swan discloses a container wherein the closing means comprises a longitudinal wall (186) which is a front wall.

18. In re claims 21-22, Swan discloses a container wherein the closing means comprises first and second side outer walls (184,188) which are front side walls.

19. In re claim 23, Swan discloses a container wherein the closing means forms an obtuse angle with an adjacent outer wall.

20. In re claims 24-25, Swan discloses a container comprising connecting means (178) between the closing means and the container body wherein the connecting means comprise a line for connection and rotation relative to a corresponding container body outer wall.

21. In re claim 26, Swan discloses a container comprising retaining means (180) for holding the closing means closed.

22. In re claim 27, Swan discloses a container wherein the retaining means for holding the closing means closed comprise engagement means (184,188) located on the closing means.

23. In re claim 28, Swan discloses a container wherein the engagement means on the closing means comprise at least one engagement tooth (184f,188f).

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24. In re claims 29 and 31, Swan discloses a container wherein there is a first and a second tooth (184f,188f), each extending from a corresponding side wall (184,188) of the closing means being a front side wall.

25. In re claims 30 and 32, Swan discloses a container wherein the engagement tooth is at a front outer wall (186) of the closing means.

26. In re claim 32, Swan discloses a container wherein the engagement tooth is on an inner face of the front wall (186) of the closing means.

27. In re claim 36, Swan discloses a container wherein the retaining means on the closing means operate in conjunction with engagement means on the container body.

28. In re claim 37, Swan discloses a container wherein the engagement means (184,188) on the container body comprise an engagement tooth or tab (184f,188f).

29. In re claim 63, Swan discloses a container comprising means for covering the opening (180) in the container body.

30. In re claim 64, Swan discloses a container wherein the means for covering the opening extend from a side wall (106c) of the container body.

31. In re claim 65, Swan discloses a container wherein the means for covering the opening extend from a rear side wall (15) of the container body.

32. In re claim 66, Swan discloses a container wherein the means for covering the opening consist of a transversal panel (180).

33. In re claim 67, Swan discloses a container comprising opening means (162) with predetermined size.

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34. In re claim 68, Swan discloses a container wherein the predetermined opening is suitable for allowing a passage of a predetermined number of pieces of product at a time.

35. In re claim 69, Swan discloses a container wherein the product outlet is made in a transversal stiffening wall (180).

36. In re claim 70, Swan discloses a container wherein the product outlet opening has a predetermined shape and dimensions suitable for the passage of only one piece of product held in the container at a time.

37. In re claim 74, Swan discloses a container comprising transversal wall (180) for stiffening and/or covering is fixed to a front wall (106c) of the container body at two container points or opposite side sections of the container body.

38. In re claim 75, Swan discloses a container comprising stiffening means (180) for the container in the closed condition.

39. In re claim 81, Swan discloses a container wherein the container body has a wall (184,188) supporting a lid engagement means (184f,188f), which is connected at to at least one side wall (106c), forming an angle other than 90° with said wall.

40. In re claim 82, Swan discloses a container wherein the closing means comprises a lid (180) extending from the container body and being connected to it for closing the product outlet opening.

41. In re claim 86 as best understood, Swan discloses a blank for making a container consisting of a container body (102) with an outlet opening (108) through which the product contained in it comes out and a lid (152) for closing the product outlet opening,

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the blank consisting of a flat sheet, comprising a plurality of panels (106a-f) forming outer walls of the container body, separated from one another by transversal pre-creasing or fold lines, the blank also comprising a panel (180) extending from a transversal end of a side panel (106c) to form a lid upper closing wall; the panel forming the lid upper closing wall has a polygonal profile, having a first and a second outer edge (184a,188a) on the side opposite that from which the panel forming the lid upper closing wall extends; a first and a second outer panel forming lid side walls (184,188), the side walls extending from the outer edges of the lid upper closing wall, on a side opposite the one on which the lid upper closing wall is connected to the panel forming the outer walls of the container body.

42. In re claim 87, Swan discloses a blank wherein the panel forming the lid upper closing wall has a hexagonal profile.

43. In re claim 88, Swan discloses a wherein the panel forming the lid upper closing wall has a hexagonal profile with regular sides (184,188).

44. In re claim 90, Swan discloses a blank comprising a panel (164) forming container body stiffening means which extends from a transversal end of an outer wall (106f) of the container body.

45. In re claim 91, Swan discloses a blank comprising a panel forming a side or front longitudinal wall (186) of the lid, extending from the panel (180) forming the lid upper closing wall, through a pre-creasing or fold line (186a) on the side opposite that from which the panel extends from the outer panel of the container body.

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46. In re claim 92, Swan discloses a blank comprising a first and a second panel (184f,188f) forming a respective retaining tooth for holding the lid on the container body, the teeth each extending from a panel (184,188) forming lid front side walls, to which they are connected by fold or pre-creasing lines (184g,188g).

47. In re claim 93, Swan discloses a blank comprising a tab (164) extending from an upper edge or pre-creasing line (182b) of an outer wall (106f) of the container body.

48. In re claim 94, Swan discloses a blank comprising tabs (182,190,194,196) extending, through pre-creasing or fold lines (182b), from rear and front side walls (106a,b,d,e), forming means for connecting a transversal stiffening wall (164) to a front side walls (106f) and to a rear side walls (106c) of the container body.

49. In re claim 95, Swan discloses a blank wherein a stiffening panel (164) has a shaped edge.

50. Claims 1-18, 21-27, 36, 44-52, 63-66, 86-90 and 93-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Styler (USPN 3,101,167).

51. In re claim 1, Styler discloses a container for holding a product, comprising a retaining body (fig. 13) and comprising side product retaining means (3) and at least one outlet opening (formed by side panels 10-15) through which the product comes out; the container body having is a tubular shape with a polygonal base (30); and closing means (53) for closing the product outlet opening, the closing means extending from the container body and being connected to it.

52. In re claim 2, Styler discloses a container wherein the container body has a polygonal base.

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53. In re claim 3, Styler discloses a container wherein the container body has a hexagonal base.

54. In re claim 4, Styler discloses a container wherein the container body has a polygonal base with regular sides.

55. In re claim 5-11, Syler discloses a container wherein the container body comprises a front wall (15), a rear wall (12), a pair of front side walls (10,14) extending from the sides of the front wall, a pair of rear side walls (11,13) extending from the sides of the rear wall and joined to the front side walls.

56. In re claim 12, Styler discloses a container comprising at least one outer wall forms an obtuse angle with an adjacent outer wall.

57. In re claim 13, Styler discloses a container comprising a base wall (30) for retaining the product in the container.

58. In re claims 16-18, Styler discloses a container wherein the closing means comprises a closing wall (60) which extends transversally from a rear wall (12) is flat.

59. In re claims 21-22, Styler discloses a container wherein the closing means comprises first and second side outer walls (65,66) which are front side walls.

60. In re claim 23, Styler discloses a container wherein the closing means forms an obtuse angle with an adjacent outer wall.

61. In re claims 24-25, Styler discloses a container comprising connecting means (61) between the closing means and the container body wherein the connecting means comprise a line for connection and rotation relative to a corresponding container body outer wall.

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62. In re claim 26, Styler discloses a container comprising retaining means (60) for holding the closing means closed.

63. In re claim 27, Styler discloses a container wherein the retaining means for holding the closing means closed comprise engagement means (65,66) located on the closing means.

64. In re claim 36, Styler discloses a container wherein the retaining means on the closing means operate in conjunction with engagement means on the container body.

65. In re claim 44, Styler discloses a container comprising stiffening means (54) for the container body.

66. In re claim 45, Swan discloses a container stiffening means for maintaining the container body in the open condition (Fig. 13).

67. In re claim 46, Styler discloses a container wherein the stiffening means is located at the product outlet opening.

68. In re claim 47, Styler discloses a container wherein the stiffening means is located at one end of the container body.

69. In re claim 48, Styler discloses a container wherein the stiffening means comprises at least one portion extending transversally to the container body.

70. In re claim 49, Styler discloses a container comprising a single transversal panel (54) extending from one end of an outer wall (15) and forming the stiffening means.

71. In re claim 50, Styler discloses a container wherein the stiffening panel extends from the front outer wall (15).

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72. In re claim 51, Styler discloses a container wherein the stiffening panel extends from a rear outer wall (15) of the container body.

73. In re claim 52, Styler discloses a container wherein the stiffening means is connected to at least one outer wall (15) of the container.

74. In re claim 63, Styler discloses a container comprising means for covering the opening (60) in the container body.

75. In re claim 64, Styler discloses a container wherein the means for covering the opening extend from a side wall (12) of the container body.

76. In re claim 65, Styler discloses a container wherein the means for covering the opening extend from a rear side wall (12) of the container body.

77. In re claim 66, Styler discloses a container wherein the means for covering the opening consist of a transversal panel (60).

78. In re claim 86 as best understood, Styler discloses a blank for making a container consisting of a container body with an outlet opening (formed by 10-15) through which the product contained in it comes out and a lid (53) for closing the product outlet opening, the blank consisting of a flat sheet, comprising a plurality of panels (10-15) forming outer walls of the container body, separated from one another by transversal pre-creasing or fold lines (4-9), the blank also comprising a panel (60) extending from a transversal end of a side panel (12) to form a lid upper closing wall; the panel forming the lid upper closing wall has a polygonal profile, having a first and a second outer edge (67,68) on the side opposite that from which the panel forming the lid upper closing wall extends; a first and a second outer panel forming lid side walls (65,66), the side walls

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extending from the outer edges of the lid upper closing wall, on a side opposite the one on which the lid upper closing wall is connected to the panel forming the outer walls of the container body.

79. In re claim 87, Styler discloses a blank wherein the panel forming the lid upper closing wall has a hexagonal profile.

80. In re claim 88, Styler discloses a wherein the panel forming the lid upper closing wall has a hexagonal profile with regular sides (65,66).

81. In re claim 89, Styler discloses a blank comprising another side panel (16), which is glued to a rear panel (10) and which is used to join the rear panel (10) to the side panels of the container body.

82. In re claim 90, Styler discloses a blank comprising a panel (54) forming container body stiffening means which extends from a transversal end of an outer wall (15) of the container body.

83. In re claim 93, Styler discloses a blank comprising a tab (80) extending from an upper edge or pre-creasing line (82) of an outer wall (11) of the container body.

84. In re claim 94, Styler discloses a blank comprising tabs (80,81) extending, through pre-creasing or fold lines (82,83), from rear and front side walls (11,13), forming means for connecting a transversal stiffening wall (54) to a front side walls (15) and to a rear side walls (12) of the container body.

85. In re claim 95, Styler discloses a blank wherein a stiffening panel (54) has a shaped edge.

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86. Claims 1-13, 16-18, 23-26, 44-52, 63-71, 74-75 and 80 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayless (USPN 2,000,210).

87. In re claim 1, Bayless discloses a container for holding a product, comprising a retaining body (fig. 2) and comprising side product retaining means (10-15) and at least one outlet opening (43) through which the product comes out; the container body having is a tubular shape with a polygonal base (20,24); and closing means (19) for closing the product outlet opening, the closing means extending from the container body and being connected to it.

88. In re claim 2, Bayless discloses a container wherein the container body has a polygonal base.

89. In re claim 3, Bayless discloses a container wherein the container body has a hexagonal base.

90. In re claim 4, Bayless discloses a container wherein the container body has a polygonal base with regular sides.

91. In re claim 5-11, Bayless discloses a container wherein the container body comprises a front wall (13), a rear wall (10), a pair of front side walls (12,14) extending from the sides of the front wall, a pair of rear side walls (11,15) extending from the sides of the rear wall and joined to the front side walls.

92. In re claim 12, Bayless discloses a container comprising at least one outer wall forms an obtuse angle with an adjacent outer wall.

93. In re claim 13, Bayless discloses a container comprising a base wall (24) for retaining the product in the container.

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94. In re claims 16-18, Bayless discloses a container wherein the closing means comprises a closing wall (23) which extends transversally from a rear wall (10) is flat.

95. In re claim 23, Bayless discloses a container wherein the closing means forms an obtuse angle with an adjacent outer wall.

96. In re claims 24-25, Bayless discloses a container comprising connecting means (22) between the closing means and the container body wherein the connecting means comprise a line for connection and rotation relative to a corresponding container body outer wall.

97. In re claim 26, Bayless discloses a container comprising retaining means (23) for holding the closing means closed.

98. In re claim 44, Bayless discloses a container comprising stiffening means (23) for the container body.

99. In re claim 45, Bayless discloses a container stiffening means for maintaining the container body in the open condition.

100. In re claim 46, Bayless discloses a container wherein the stiffening means is located at the product outlet opening.

101. In re claim 47, Bayless discloses a container wherein the stiffening means is located at one end of the container body.

102. In re claim 48, Bayless discloses a container wherein the stiffening means comprises at least one portion extending transversally to the container body.

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103. In re claim 49, Bayless discloses a container comprising a single transversal panel (23) extending from one end of an outer wall (10) and forming the stiffening means.

104. In re claim 50, Bayless discloses a container wherein the stiffening panel extends from the front outer wall (10).

105. In re claim 51, Bayless discloses a container wherein the stiffening panel extends from a rear outer wall (10) of the container body.

106. In re claim 52, Bayless discloses a container wherein the stiffening means is connected to at least one outer wall (10) of the container.

107. In re claim 63, Bayless discloses a container comprising means for covering the opening (23) in the container body.

108. In re claim 64, Bayless discloses a container wherein the means for covering the opening extend from a side wall (10) of the container body.

109. In re claim 65, Bayless discloses a container wherein the means for covering the opening extend from a rear side wall (10) of the container body.

110. In re claim 66, Bayless discloses a container wherein the means for covering the opening consist of a transversal panel (23).

111. In re claim 67, Bayless discloses a container comprising opening means (43) with predetermined size.

112. In re claim 68, Bayless discloses a container wherein the predetermined opening is suitable for allowing a passage of a predetermined number of pieces of product at a time.

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113. In re claim 69, Bayless discloses a container wherein the product outlet is made in a transversal stiffening wall (23).

114. In re claim 70, Bayless discloses a container wherein the product outlet opening has a predetermined shape and dimensions suitable for the passage of only one piece of product held in the container at a time.

115. In re claim 71, Bayless discloses a container wherein the product opening outlet extends from a front side (13) of the container body.

116. In re claim 74, Bayless discloses a container comprising transversal wall (23) for stiffening and/or covering is fixed to a front wall (10) of the container body at two container points or opposite side sections of the container body.

117. In re claim 75, Bayless discloses a container comprising stiffening means (23) for the container in the closed condition.

118. In re claim 80, Bayless discloses a container comprising a first and a second wall (19,23), adjacent to one another, are positioned and connected in such a way as to form a "V" shape (44) forming a lid guide for channelling the product.

Claim Rejections - 35 USC § 103

119. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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120. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swan (USPN 4,205,775) in view Styler (USPN 3,101,167).

121. In re claim 89, Swan fails to expressly disclose a side panel glued to a rear panel to join the rear panel and side panels of a container body. However, Styler teaches a glue flap (16) to join panels of a container body. It would have been obvious to one of ordinary skill in the art to have glued side flap (234) to a rear panel of Swan as taught by Styler in order to secure the panels of the blank to form a container body.

Conclusion

122. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Field (USPN 2,517,552), Rosenberg, Jr. (USPN 3,174,675) and Marx et al. (USPN 5,887,781) all disclose hexagonal containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LATRICE BYRD whose telephone number is (571)270-5703. The examiner can normally be reached on Mon-Thu 7:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LATRICE BYRD/
Examiner, Art Unit 3782

/Gary E. Elkins/
Primary Examiner, Art Unit 3782